



Hertfordshire
COUNTY COUNCIL

Environment

Town and Country Planning Act 1990 (as amended)

APPROVAL NOTICE

HCC Application No: 4/0225-99 (017)

Other Ref No:

Description & location of development:

Extraction of brickclay with subsequent restoration to agriculture
at
Pocket's Dell, Bovington

To: Bovington Brickworks Ltd
Ley Hill Road
Bovington
Hemel Hempstead
Herts

In pursuance of its powers under the above Act and the Orders and Regulations for the time being in force thereunder, the Council hereby APPROVES the Phased Scheme of Landscaping and Tree Planting as contained within the letter from Voaden Sandbrook dated 30 March 2000 and the report by Philip Parker Associates dated 10 February 2000, submitted pursuant to condition number 28 (a) – (e) (scheme for landscaping and tree planting) attached to planning permission number 4/0225-99 (017) dated 11 January 2000.

Dated: 7th day of April 2000 Signed: Key

TEAM LEADER (DEVELOPMENT CONTROL)



Hertfordshire
COUNTY COUNCIL

Environment

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DECISION NOTICE

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To: Bovington Brickworks Ltd
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Bovington
Nr Hemel Hempstead
Herts

In pursuance of its powers under the above Act and the Orders and Regulations for the time being in force thereunder, the Council hereby PERMITS the development proposed by you in your application dated 26 January 1999 including the supporting statement which accompanied the application and the plans numbered Bov-01/11 (dated 13/1/1999), Bov-01/12 Rev C (dated 8/12/1999), Bov-01/15 Rev C (dated 24/9/1999), Pocket's Dell 11 Rev A (dated 1/1998), 1947/121/Rev E (dated 28/9/1999), the Chamley Associates report: Revision of Working and Restoration Scheme (dated 14/10/1999), and the letter from Voaden Sandbrook re: drainage (dated 2/11/1999), subject to the sixty-seven conditions which are detailed in the attached schedule with the reasons for their imposition.

Dated: 11 day of January 2000 Signed: *Isay Javidan*

HEAD OF COUNTY DEVELOPMENT UNIT

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State for the Environment, Transport and the Regions

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment, Transport and the Regions under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment, Transport and the Regions at Tollgate House, Houlton Street, Bristol, BS2 9DJ.

The Secretary of State for the Environment, Transport and the Regions can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State for the Environment, Transport and the Regions need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State for the Environment, Transport and the Regions does not refuse to consider appeals solely because the local planning authority based its decisions on a direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State for the Environment, Transport and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State for the Environment, Transport and the Regions on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

SCHEDULE OF CONDITIONS NUMBERED 1 - 67 ATTACHED TO THE PLANNING PERMISSION ISSUED UNDER APPLICATION NUMBER 4/0225-99 FOR THE EXTRACTION OF BRICK CLAY WITH SUBSEQUENT RESTORATION TO AGRICULTURE AT POCKET'S DELL, BOVINGDON, HERTFORDSHIRE

Time Limits

- 1. The development to which this permission relates shall be begun not later than the expiration of five years beginning with the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority prior to seven days of such commencement.**

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2. Extraction of brick clay shall cease by 31 December 2025 and the final restoration of the site shall be completed (in accordance with the Plan approved under Condition 10) by 31 December 2027 unless otherwise approved in writing by the Mineral Planning Authority.**

Reason: In order to minimise the duration of disturbance from the development hereby permitted and to ensure that the restoration of the final phase of working is restored to a beneficial afteruse within a reasonable timescale.

Authorised Development

- 3. The site to which this permission relates is the area edged red on plan reference Bov-01/11 dated 13 January 1999. Within the site the extraction of mineral shall be contained within the Extraction Limit line shown on plan reference Bov-01/12 Rev C dated 8 December 1999.**

Reason: To define the site and area of extraction to which this permission relates for the avoidance of doubt.

- 4. The operations and use authorised by this planning permission shall, except where modified by this Schedule of Conditions, be undertaken in accordance with the provisions of the planning application and Statement In Amplification dated 26 January 1999.**

Reason: To ensure that an orderly programme of operations is carried out in such a way that adverse effects on the local amenity are kept to a minimum.

- 5. The only mineral that shall be removed from the site will be brick clay materials solely for use of the manufacture of bricks at Bovingdon Brickworks, Hertfordshire. All mineral leaving the site shall be transported directly to the Bovingdon Brickworks via the access approved under Condition 17.**

Reason: To ensure that only materials necessary for Bovingdon Brickworks are removed from the site and in order that impact on the public highway is confined to the crossover point on Ley Hill Road.

6. **No mineral shall be imported for storage, processing or resale on the site.**

Reason: To ensure that uses on the site are wholly ancillary to the mineral operation and to minimise the adverse effect on the local environment and public highway.

7. **No waste materials (other than indigenous clays won from the site that are rejected for brick making) shall be imported into the site, except those authorised by Condition 8.**

Reason: For the avoidance of doubt and to ensure that the site is only restored using on site materials.

8. **As an exception to Condition 7, only hardcore for the construction of internal haul roads as shown on plan reference Bov-01/12 Rev C dated 8 December 1999 shall be imported into the site.**

Reason: For the avoidance of doubt and to enable appropriate construction of haul routes.

Working and Restoration Schemes

9. **Except where modified by this Schedule of Conditions or unless otherwise approved in writing by the Mineral Planning Authority, soil and overburden/interburden stripping, storage and replacement, together with mineral extraction and restoration operation shall progress sequentially in accordance with the Chamley Associates report: Revision of Working and Restoration Scheme dated 14 October 1999.**

Reason: To enable the Mineral Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area, and ensure restoration of the site to a beneficial afteruse.

10. **Unless otherwise approved in writing by the Mineral Planning Authority, the final landform and surface restoration levels shall accord with the landform and finished contours shown on plan reference Bov-01/15 Rev C dated 24 September 1999.**

Reason: To ensure the proper restoration of the site that is in keeping with the local landscape and that is in accordance with the submitted details.

11. **At any given time during the development no more than 4 sequential phases of the extraction area, as shown on plan reference Bov-01/12 Rev C dated 8 December 1999, shall be subject to any of the operations between the stripping of topsoil and its replacement (as part of the restoration operations) at any one time.**

Reason: To ensure an orderly programme of operations and restoration of the site within a reasonable timescale.

12. **In the event of a cessation of winning and working of mineral prior to the achievement of the completion of the approved scheme and restoration plan, as referred to in Conditions 9 and 10, which in the opinion of the Mineral Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation, restoration and aftercare, shall be submitted within 12 months of the cessation of winning and working to the Mineral Planning Authority, for approval in writing. The approved revised scheme shall be fully implemented within 2 years of the written approval unless otherwise agreed in writing with the Mineral Planning Authority.**

Reason: To secure the proper restoration of the site within a reasonable and acceptable timescale.

Production Limits

13. **The total output of mineral leaving the site shall not exceed a level of 550,000 tonnes over 26 years starting from the date extraction commences.**

Reason: In order to minimise the duration of disturbance on the local environment from the development hereby permitted.

14. **Unless otherwise approved in writing by the Mineral Planning Authority, there shall be no more than 25,000 tonnes of mineral leaving the site in any one year (12 consecutive months) and over each subsequent year for the 26 year duration of the development.**

Reason: To ensure that mineral reserves are conserved and are released in such a way as to minimise the adverse effect on the local environment and public highway.

15. **From the date of this permission the operator shall maintain records of their monthly output of mineral and shall make them available to the Mineral Planning Authority at any time upon request. All records shall be kept and made available for at least 24 months.**

Reason: In order that the Mineral Planning Authority can monitor the output of the site.

Buildings, Plant and Machinery

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995, or any enactment that may revise or replace the Order, planning permission shall be obtained for the erection of any building, fixed plant, fixed machinery or structures on the land. The written approval of the Mineral Planning Authority shall be obtained prior to the placing on site of any portable buildings or structures.

Reason: To minimise the adverse impact of operations on the surrounding countryside in terms of visual intrusion and to maintain openness within the Green Belt.

Highways and Access

17. For the duration of the development the only access point for vehicles entering or leaving the site shall be that shown on Plan Pocket's Dell 11 Rev A dated January 1998.

Reason: To ensure that no other point of entry is gained into and out of the site other than the one which is approved.

18. Before any of the operations hereby approved are commenced the vehicular access on Ley Hill Road shall be implemented in accordance with the details shown on Plan 1947/121 Rev E dated 28 September 1999 to the satisfaction of the Mineral Planning Authority, and shall thereafter be maintained to the satisfaction of the Mineral Planning Authority for the duration of the development.

Reason: To ensure that the access is constructed to the appropriate standards suitable for the retention of the existing culvert and to ensure the safety of all public highway users.

19. The internal haul road within the site shall be metalled for a distance of 40 metres from the entrance on Ley Hill Road. This section of the haul road shall be maintained and kept in a good state of repair to the satisfaction of the Mineral Planning Authority for the duration of the development.

Reason: In the interests of highway safety and so that there shall be no adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.

20. **Within the metalled section of the internal haul road as defined in Condition 19 a ten metre section shall include rumble strips. The construction of these strips will be by means of metal strips at 30 centimetre centres for the entire width of the haul road to project at 5 centimetres above the surface levels. The rumble strips shall thereafter be maintained and kept in a good state of repair to the satisfaction of the Mineral Planning Authority for the duration of the development.**

Reason: In the interests of highway safety and so that there shall be no adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.

21. **Before any of the operations hereby approved are commenced, traffic signs and road markings on Ley Hill Road shall be implemented in accordance with the details shown on Plan 1947/121 Rev E dated 28 September 1999 to the satisfaction of the Mineral Planning Authority in consultation with the Highway Authority, and shall thereafter be maintained to the satisfaction of the Mineral Planning Authority for the duration of the development.**

Reason: In the interests of highway safety.

22. **All vehicles leaving the site with mineral shall cross Ley Hill Road directly and shall not turn left or right onto the public highway.**

Reason: In order that impact on the public highway is confined to the crossover point on Ley Hill Road.

23. **All vehicles used for transporting brick clay from the site shall be fitted with Britax warning light (Part Number 320.00) or other such similar rotating halogen beacon. The fitted lights shall be in use everytime a vehicle used for transporting brick clay enters or leaves the site.**

Reason: In the interests of highway safety.

24. **Unless otherwise approved in writing by the Mineral Planning Authority, there shall be no more than 40 vehicle movements (20 in and 20 out) transporting brick clay won from the site during the hours of transportation in any one working day (as specified in Condition 33 (c) Monday to Friday).**

Reason: In the interests of highway safety and so that there shall be the least possible adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.

25. The operator, at all times during the duration of the development, shall ensure that vehicles leaving the site and entering the site from Bovingdon Brickworks shall not deposit mud or any other materials on the public highway. This shall be implemented by the best practicable means available to the operator and shall include (but without prejudice to the foregoing) the use on the public highway of a vehicular road sweeper when deemed necessary.

Reason: In the interests of highway safety and so that there shall be no adverse effects upon the free and safe flow of traffic along the public highway in the vicinity of the site.

26. A record of the number of vehicles entering and leaving the site in any one day shall be kept by the operator, these records shall be readily available for inspection by the Mineral Planning Authority. The records shall specify what time the first and last vehicles enter or leave the site in any working day.

Reason: To ensure that the operator does not exceed the vehicle movements allowed by Condition 24, thereby ensuring the operator does not prejudice safety on the public highway and in the interests of the free flow of traffic.

Drainage and Groundwater Protection

27. Unless otherwise approved in writing by the Mineral Planning Authority, dewatering of the mineral workings shall proceed at all times during the development in accordance with the details contained in the letter from Voaden Sandbrook dated 2 November 1999.

Reason: To prevent pollution of the water environment.

Landscaping

28. A phased scheme of landscaping and tree planting shall be submitted to and approved by the Mineral Planning Authority in writing within three months of the commencement of this permission (as provided under Condition 1), and thereafter implemented in accordance with an agreed timetable. Such a scheme shall include, amongst other matters, provision for:

(a) the retention of as many existing trees or hedgerows within the site and on the site boundaries as possible, these being accurately identified on a plan, and measures to protect these trees from damage during operations, and their management and maintenance;

(b) within the site and on adjoining land in control of the site's freehold owner additional tree and shrub planting prior to commencement of operations, fencing or other measures to screen working areas, any plant, and access roads;

(c) as working and restoration proceeds additional tree and shrub planting required to ensure the restored land is absorbed into the local landscape;

(d) details of the planting specification, species, size, spacing and number of trees and shrubs to be planted, and measures to protect and maintain the trees and shrubs in accordance with good silvicultural practice;

(e) a timetable within which the agreed scheme shall be implemented.

Reason: In order to screen the operations to minimise visual intrusion, and to absorb the operations and restoration into the local landscape.

29. The existing trees, bushes and hedgerows within the site as identified under Condition 28(a) shall be retained and shall not be removed for the duration of the development without the prior written approval of the Mineral Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased during the duration of the development permitted by this permission shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.

Reason: In the interests of local amenity and to ensure that the visual impact of the operations are kept to a minimum.

30. Any tree or shrub forming part of a planting scheme approved under Condition 28 (b) and (c) in connection with this development that dies, is damaged, diseased or removed during the duration of the development or 5 years after completion of the development hereby permitted shall be replaced by the operator during the next planting season with a tree or shrub of species and size to be agreed in writing with the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure the development is adequately screened.

31. Extraction of mineral, the construction of haul roads, and the storage of any stripped soils or overburden/interburden shall not take place within 5 metres of the outer canopy of all peripheral or other retained trees nor within three metres of any hedgerows.

Reason: In order to ensure that the possibility of damage to the surrounding trees and hedges is minimised.

32. The entire hedgerow within the site area along Ley Hill Road shall be allowed to grow to a height of at least 3.2 metres from its base. The hedgerow shall thereafter be maintained to at least that height for the duration of the development.

Reason: In the interests of local amenity and to ensure that the visual impact of the operations are kept to a minimum.

Hours of Working, Servicing, and Transportation

33. **Except in emergencies to maintain safe quarry workings (which shall be notified to the Mineral Planning Authority as soon as practicable) or unless otherwise approved in writing by the Mineral Planning Authority:-**

(a) **no operations, other than water pumping, and environmental monitoring shall be carried out at the site except between 08.00 hours and 17.00 hours Monday to Friday (and at no time on Saturdays, Sundays or public holidays);**

(b) **no servicing, maintenance or testing of plant shall be carried out at the site except between 08.00 hours and 17.00 hours Monday to Friday and 08.00 hours and 13.00 hours on Saturdays (and at no time on Sundays or public holidays);**

(c) **no mineral shall be transported or taken outside the site before 09.00 hours and after 17.00 hours Monday to Friday. No mineral shall be transported or taken outside the site on Saturdays, Sundays or public holidays.**

Reason: To protect the amenities of local residents and in the interests of highway safety.

Noise Control

34. **No audible reversing warning device shall be used on any mobile plant or vehicles within the site except in accordance with details to be submitted to and approved in writing by the Mineral Planning Authority.**

Reason: To protect the amenities of local residents.

35. **All plant, machinery and vehicles used within the site shall be maintained at all times in accordance with the manufacturer's recommendations, and shall incorporate noise control measures which at least meet current Department of Trade standards for that equipment.**

Reason: To protect the amenities of local residents.

36. Noise levels shall be monitored by the operator at 6 month intervals (starting within two weeks of the commencement of soil stripping and extraction) at 2 locations to be agreed in writing with the Mineral Planning Authority prior to such monitoring taking place. Every other monitoring exercise shall take place when soil stripping operations and soil storage operations are taking place. The results of monitoring shall include the 1 Hour LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The monitoring survey shall be for two separate 1 Hour periods during the working day whilst site operations are taking place and the results shall be sent to the Mineral Planning authority within 7 days of a survey being completed. After the first year of development, the frequency of the monitoring may be modified by the written agreement of the Mineral Planning Authority.

Reason: To monitor the level of noise being produced by site operations in order to protect the amenities of local residents.

37. Unless otherwise approved in writing with the Mineral Planning Authority, noise measurements from day to day operations undertaken during the winning, working, and transportation of mineral shall, at the closest boundary of any noise sensitive properties, not exceed the LAeq values (measured when the site is not operating) by 10dB(A). At no time shall the LAeq (1 Hour) measured value during operations exceed 55dB(A) at the closest boundary of any noise sensitive properties when measured in a free field location at a height of 1.5 metres.

Reason: To minimise the adverse impact of noise generated by these operations on the local community

38. Unless otherwise approved in writing with the Mineral Planning Authority, noise from the operations conducted on site during any periods involving the removal, storage and replacement of topsoil and subsoil and the formation and removal of bunds shall not exceed a maximum value of 70dB(A) (LAeq, 1hour) measured at the closest boundary of any noise sensitive properties.

Reason: To minimise the adverse impact of noise generated by these operations on the local community

Dust Control

39. The operator, at all times during the duration of the development, shall ensure that areas outside the boundary of the site are not affected by dust nuisance during all operations hereby permitted. This shall include (but without prejudice to the foregoing) the following steps as appropriate:

(a) the use of water bowsers, or by other means, to dampen the extraction, soil storage, overburden and interburden areas and haul roads. Dust suppression shall extend to include that section of haul road outside the site between Bovingdon Brickworks and Ley Hill Road;

(b) the temporary suspension of operations upon the reasonable request of the Mineral Planning Authority should, in their opinion, unacceptable levels of dust are being produced as a result of the operations at the site which cannot be satisfactorily controlled. Operations shall only recommence when conditions allow the operations to proceed without giving rise to unacceptable levels of dust.

Reason: To protect the amenities of the locality from the effects of dust arising from the operations.

Soil stripping, handling, movement, and replacement

40. Except where modified by this Scheme of Conditions or unless otherwise approved in writing by the Mineral Planning Authority, all topsoil and subsoil stripping and replacement within the site shall be in accordance with Section 3 and 4 and Appendix 2, 5, 6, and 7 of the Chamley Associates report: Revision of Working and Restoration Scheme dated 14 October 1999.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site.

41. No soil stripping or replacement within the site shall involve the use of motorscrapers. The use of bulldozers and scrapers shall only be employed with the prior written approval of the Mineral Planning Authority.

Reason: To minimise structural damage and compaction of the soils.

42. Plant or vehicle movement shall be confined to clearly defined haul routes as shown on plan reference Bov-01/12 Rev C dated 8 December 1999, or to the overburden/infill surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site.

43. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or is surfaced or built upon, or used for the stacking of subsoil, soil making material or overburden/interburden, or for the construction of a haul road, all available topsoil and subsoil shall be stripped from that part.

Reason: To conserve agricultural soils and to avoid structural damage and compaction of soils.

44. (a) All topsoil shall be stripped to the full depth (generally 30cm) and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable the topsoil shall be stored separately, in accordance with Condition 46, for subsequent replacement.

(b) All Grade 3a subsoils shall be stripped to a depth of not less than 90cm in any area and shall, wherever possible, be immediately re-spread over the replaced overburden/interburden. If this immediate re-spreading is not practicable the subsoil shall be stored separately, in accordance with Condition 46, for subsequent replacement. Subsoil not being retained for use in the restoration process shall be regarded as overburden.

Reason: To ensure the retention of the existing soils on the site for restoration purposes.

45. Soil bunds which are stored for over 6 months shall be constructed with a slightly domed top and shall be seeded and maintained in accordance with Appendix 4 of the Chamley Associates report: Revision of Working and Restoration Scheme dated 14 October 1999. Once the bunds have been seeded weed control measures shall be carried out and the bunds shall be maintained to the satisfaction of the Mineral Planning Authority.

Reason: To ensure that soils are handled and stored in such a way as to minimise compaction and damage to the soil structure in order to achieve the best possible standard of restoration and to ensure that the bunds are visually absorbed into the local landscape.

46. Unless otherwise approved in writing by the Mineral Planning Authority, all topsoil, subsoil and subsoil substitutes shall be stored separately in the locations shown on plan reference Bov-01/12 Rev C dated 8 December 1999.

Reason: To minimise the mixing of any of the different soil types to aid the final restoration and to ensure that the storage of soils does not encroach onto neighbouring properties.

47. Unless otherwise approved in writing by the Mineral Planning Authority, overburden and interburden shall only be stored in phases of the development which are operational.

Reason: To minimise the visual impact of the development in the local environment.

48. **No topsoil, subsoil, interburden and overburden shall be stockpiled or deposited within the site to a height exceeding 3 metres. The Low Profile Topsoil Storage Area shown on plan reference Bov-01/12 Rev C dated 8 December 1999 shall not exceed a height of 1 metre.**

Reason: To minimise the visual impact of the development in the local environment.

49. **The outer faces of the Whelpley Ash Farm screen bund and the White Hart Cottage screen bund, as shown on plan reference Bov-01/12 Rev C dated 8 December 1999, shall be graded to a slope of 1 in 4. The remaining slopes of soil screen bunds shall not be steeper than 1 in 2.**

Reason: In order that the screen bunds are visually absorbed into the surrounding landscape in the interests of amenity.

50. **All topsoil, subsoil, soil making material, interburden and overburden shall be retained on the site.**

Reason: All the above materials are required on site to ensure the satisfactory restoration of the land.

51. **Written notification shall be given to the Mineral Planning Authority of the day on which it is the intention of the operator to strip soils. Such notification shall be given at least 7 days and no more than 21 days prior to the date that is specified.**

Reason: To allow the Mineral Planning Authority to check that conditions are suitable for soil stripping and to have the ability to monitor any soil stripping.

52. **Written notification shall be given to the Mineral Planning Authority of the day on which it is the intention of the operator to commence final soil placement on each phase, or part phase. Such notification shall be given at least 7 days and no more than 21 days prior to the date that is specified.**

Reason: To allow the Mineral Planning Authority to inspect that the site is ready for topsoil spreading.

53. **On the day prior to the intention to handle soils, as notified under Conditions 51 and 52 (as relevant), the operator shall take samples of the soils to be handled and test their suitability for stripping or replacement. The criteria for testing shall be that as stated in Section 3 of the Chamley Associates report: Revision of Working and Restoration Scheme dated 14 October 1999. Soils shall only thereafter be stripped or replaced if the criteria for testing shows that the soil is dry enough to do so. Results of the testing shall then be sent to the Mineral Planning Authority within 7 days of testing taking place.**

Reason: To ensure that the operator only strips and replaces soils in conditions when it is suitable to do so in order that the soils are not damaged.

54. **Once soil stripping, handling, or replacement has commenced these activities shall only take place on a daily basis if the soils continue to meet the criteria for testing as specified in Condition 53. If the criteria for handling soils is not met then soil handling operations shall be suspended until such time as testing shows that soils are dry enough to recommence operations.**

Reason: To ensure that the operator only strips and replaces soils in conditions when it is suitable to do so in order that the soils are not damaged.

55. **If soil stripping, handling, or replacement operations are suspended for more than 21 consecutive days then Conditions 51 and 52 (as relevant) and Condition 53 will be applicable prior to the recommencement of these operations.**

Reason: To allow the Mineral Planning Authority to check that conditions are suitable for soil stripping and topsoil replacement and to have the ability to monitor such activities taking place.

56. **The respread topsoil and areas upon which topsoil has been stored shall be ripped or loosened at a tine spacing of not greater than 600mm and to a depth of at least 500mm. Any non-soil making material or larger stone lying on the loosened topsoil surface and, on any surface, larger than would pass through a wire screen mesh with a spacing of 150mm shall be removed from the site or buried at a depth not less than 2m below the final settled contours.**

Reason: To ensure that the site is satisfactorily restored.

57. **Unless otherwise approved in writing by the Mineral Planning Authority, all haul and access roads no longer required in connection with the operations and restoration of the site, shall be removed from the site within six months of the completion of the restoration of the relevant Phase of operation and reinstated in accordance with the restoration scheme approved under Condition 10.**

Reason: To ensure the complete restoration of each Phase within the site once operations have ceased so that the land is returned to a beneficial afteruse.

Aftercare

58. **An Aftercare Scheme requiring such steps as may be necessary to bring the land to the required standard for the use of agriculture and associated landscaping shall be submitted for the written approval of the Mineral Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place. Aftercare shall be implemented in accordance with the approved scheme.**

The submitted Scheme shall:

- (a) provide an outline strategy in accordance with Annex A of MPG7 for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. (In the case of agriculture) The scheme shall include provision of a field drainage system if required by the Mineral Planning Authority in consultation with the FRCA. The scheme shall also provide for an annual meeting between the applicants, the Mineral Planning Authority and the FRCA;**
- (b) provide for a detailed annual programme in accordance with Annexes A and B of MPG7 to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.**

Unless the Mineral Planning Authority, after consultation with the FRCA, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

Reason: To ensure the satisfactory restoration of the site for agricultural purposes.

- 59. Unless otherwise approved in writing with the Mineral Planning Authority a scheme for undersoil drainage and associated surface drainage for the restored land shall submitted to and approved in writing by the Mineral Planning Authority not later than 18 months following the placement of topsoil on each phase of restoration. The scheme shall include a timescale for full implementation and shall include where necessary any intermediate or provisional drainage measures to be employed.**

Reason: To aid the rehabilitation of the restored land to productive agricultural use.

General

- 60. No scrap, fixed plant, equipment, skips or containers shall be retained or stored on site.**

Reason: To help minimise the visual impact of the development.

- 61. There shall be no storage or stockpiles of brick clay mineral on site. All brick clay won from working at the site shall be directly loaded on to transportation vehicles and taken from the site within the hours permitted in Condition 33(c).**

Reason: In the interests of local amenity and to ensure that the visual impact of the operations are kept to a minimum.

62. **No oil or fuel tanks or any other liquid that would cause pollution of watercourses and aquifers shall be stored on site.**

Reason: To minimise the risk of pollution of watercourses and aquifers.

63. **No floodlighting shall be erected or used within the site unless otherwise approved in writing by the Mineral Planning Authority.**

Reason: In the interests of local amenity.

64. **Precautions shall be taken at all times to prevent unauthorised access to the site.**

Reason: To safeguard public safety.

65. **No mineral extraction or soil storage shall come within 3 metres of the 63mm gas service main within the site that is parallel with Chesham Road. Sufficient stand-off should be afforded to protect the pipe from subsidence.**

Reason: In order to protect the integrity of the 63mm gas main.

66. **The operator shall submit an annual written report to the Mineral Planning Authority within 28 days of each anniversary of the date of commencement of this permission (as provided under Condition 1) detailing progress in the working and restoration of this site. The report shall include:-**

- a) **a review of the previous year's operations at the site in relation to this scheme of conditions;**
- b) **the current progress of working and restoration at the site; and**
- c) **an outline of the following years programme in relation to (a) and (b) above.**

This shall contain, amongst other things, details of:-

- (i) **the extent of areas already excavated, areas where excavation and restoration are being undertaken, areas which have previously been restored, and the location of soil bunds and interburden and overburden storage areas. This will be achieved through topographical site survey of these areas and features on an annual basis. The topographical survey data shall be shown on a plan not less than 1/1250 scale and shall include levels at ordnance datum;**

(ii) the volume of brick clay extracted from the site during the preceding year, the volume of overburden and interburden stored on site, and the volume of each separate soil unit stored within the site;

(iii) an estimation of the volumes of brick clay to be excavated in the forthcoming year and the volume of overburden and interburden within the site to complete restoration to approved levels;

(iv) a statement as to whether the operator considers that sufficient materials will be forthcoming in subsequent year(s) to achieve restoration to the approved levels shown on plan Bov-01/15 Rev C dated 4 September 1999 or any other plan subsequently approved for Condition 10;

(v) should the results of the yearly volumetric survey indicate that a surplus or deficit of mineral or restoration volumes exist within any particular phase of extraction, in comparison with Appendix 1 contained in the Chamley Associates report: Revision of Working and Restoration Scheme dated 14 October 1999, then the operator shall within 28 days of the relevant annual written report submit to the Mineral Planning Authority, for their written approval, a revised Appendix 1 showing how any excess or shortfall of mineral or restoration volumes will necessitate a revision to Appendix 1. Any necessary revision to Appendix 1 will at all times bear in mind that the maximum amount of mineral to leave the site in total is 550,000 tonnes and that on average the restoration of the site shall not be more than 2 metres below the predevelopment ground levels;

(vi) should a revision to Appendix 1 stated above be necessary the operator shall within 28 days of the relevant annual written report submit for the written approval of the Mineral Planning Authority a revised restoration plan reflecting the changes in restoration levels as a result of the amended Appendix. Once approved in writing this revised plan shall then subsequently be used as the appropriate plan for the purposes of Condition 10; and

(vii) assess and appraise the restoration of existing Bovingdon Brickworks site covered by the approved Scheme detailed in the Section 106 agreement which accompanies this permission.

Reason: To assist the Mineral Planning Authority in monitoring the operations at the site and to assess the working and restoration of the site in relation to the approved scheme. Also to allow for any practicable alternatives that are considered necessary as the site is progressively worked and restored.

67. **A copy of these conditions and any schemes submitted and approved pursuant to this consent shall be displayed at the office of Bovingdon Brickworks and the contents shall be made known to any persons given responsibility for operational management or control of the site.**

Reason: To ensure that an orderly programme of operations is carried out in such a manner and any adverse effects on local amenity are kept to a minimum.